

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:07CR53 HEA
)	
DEVIN C. WILSON,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Defendant has filed a motion for relief from judgment pursuant to *Johnson v. United States*, 135 S.Ct. 2551 (2015). The Court finds that the motion should be administratively terminated and opened as a new case under 28 U.S.C. § 2255, as he may only obtain relief under *Johnson* by bringing a motion to vacate before this Court.

Defendant will be provided with a copy of the Court's form petition for filing an action under 28 U.S.C. § 2255, and he will be allowed thirty (30) days from the time the new case is opened to file his petition. Defendant's failure to file his amended petition will result in a dismissal of his motion to vacate, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to **administratively terminate** defendant's motion for relief from judgment [Doc. #136] and to open it as a new civil action under 28 U.S.C. § 2255. The Clerk should note that this is a *Johnson* action.

IT IS FURTHER ORDERED that the Clerk shall provide defendant with a copy of the court form for filing a petition under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that defendant shall have thirty (30) days from the date the new case is opened to file a copy of his petition, pursuant to 28 U.S.C. § 2255, containing all of his claims for relief, including those claims arising under *Johnson*, on the court form.

IT IS FURTHER ORDERED that defendant's failure to comply with the present Memorandum and Order will result in a dismissal of the new action, filed pursuant to 28 U.S.C. § 2255, without prejudice.

Dated this 24th day of March, 2016.

A handwritten signature in black ink, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE